



Town of Tyngsborough

Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 112

APPROVED

TYNGSBORO ZONING BOARD OF APPEALS MINUTES

Date: September 13, 2012

The meeting was called to order by Chairman Robb Kydd at 6:35 p.m. at Tyngsboro Town Hall, Community Room, 25 Bryants Lane, Tyngsborough, MA per published meeting notice in the Lowell Sun newspaper on Thursday, August 30, 2012 and Thursday, September 6, 2012 to hear requests for variance and special permit.

Board Members Present (with check mark):

Robb Kydd, Chairman Chris Mechalides, Vice Chairman Cheryl Bradley
 Claire Cloutier Joseph Polin Scott Bordeleau

Public Hearing #1:

CAROL ANN PRIMEAU – 167 LAKEVIEW AVE.,
Assessors Map 26A, Lot 40; Request a Variance from the requirements of 2.12.50 of the Zoning By-Law for square footage, width and a Special Permit under Section 2.15.22-2.15.24 of the Zoning By-Law for renovation of pre-existing non conforming structure in an R-2 Zone, existing structure to be razed.

Abutters List Present and Complete

Motion to waive the reading of the Abutters List: motion: Cheryl Bradley, 2nd: Scott Bordeleau, Voice Vote: Unanimous

Presentation by Applicant/Designee:

Mrs. Primeau stated that the existing dwelling was constructed many years ago, and has serious need of repair to bring to current standards. The cost of which would probably exceed the amount to raze and re-build a new structure. Mrs. Primeau supplied her new proposal for floor plan and lot layout, with all delineated set-backs. A current certified plot plan with existing and proposed structures was furnished. Her plan of record is to raze the existing dwelling, and replace with a new dwelling on the same lot. Her intention is to keep the existing garage structure, but attach the new dwelling to it on it's northerly side.

Presentation by Abutters:

Opposed: None
Proponent: None

Close of public portion of meeting

Motion to close the public portion of the meeting: motion: Joseph Polin , 2nd: Cheryl Bradley, Voice Vote: Unanimous

Open Discussion and Q&A to Applicant with Applicant responses

-Scott Bordeleau requested height of new structure, and questioned upper story windows for attic, will there be finished attic space? Answer: approx 28 feet height, and attic may be finished at some point in the future.

-Claire Cloutier asked why applicant was keeping the garage. Answer: the garage was in good shape and might be used as and exercise/game room.

Review Notes/Comments on Application from other Tyngsboro Departments

Highway: None

Planning: None

Building Comm: None

Board of Health: None

Conservation: None

Sewer: Notice given to petitioner, existing sewer connection to be properly capped, and inspected. New connection to be made and inspected before use.

Board Motion was made by: Joseph Polin, and seconded by Cheryl Bradley

Motion written as follows:

CAROL ANN PRIMEAU – 167 LAKEVIEW AVE.,

Assessors Map 26A, Lot 40; Tyngsboro Zoning Board of Appeals approves request for variance from the requirements of Tyngsboro Zoning By-Law section 2.12.50 of the Zoning By-Law for total square footage (11,223 square feet), and front yard set-back (13.9 feet) according to proposed building plans submitted with and at time of application, to construct a new dwelling in an R-2 Zone.

The motion was carried by unanimous voice vote.

Board Motion for Special Permit was made by: Joseph Polin, and seconded by Scott Bordeleau.

Motion written as follows:

CAROL ANN PRIMEAU – 167 LAKEVIEW AVE.,

Assessors Map 26A, Lot 40; Tyngsboro Zoning Board of Appeals approves request for special permit from the requirements of Tyngsboro Zoning By-Law sections 2.15.22-2.15.24 for raze of existing dwelling and construction of new dwelling according to proposed building plans submitted with and at time of application, to construct a new dwelling in an R-2 Zone.

The motion was carried by unanimous voice vote.

Public Hearing #2:

MICHAEL BROMAGHIM – 298 MIDDLESEX RD.,

Assessors Map 19, Lot 1; Request a Variance of 39,960 sq. ft., and 36 ft. front yard and 20 ft. side yard from the requirements of 2.12.50; and Variance of 5 ft. buffering & screening of 3.13.32 of the Zoning By-Law in a B-3 Zone for a new commercial business for a sign business (“Mike’s Signs”).

Abutters List Present and Complete

Motion to waive the reading of the Abutters List: motion: Claire Cloutier , 2nd: Cheryl Bradley, Voice Vote: Unanimous

Presentation by Applicant/Designee:

Present: Peter Nicosia-Attorney, Michael Bromaghim-Petitioner, Ken Lania Architect. Attorney Nicosia presented a comprehensive plan including current use, history of the property, difficulties with the proximity to wetlands, and future plans of his client, Mr. Bromaghim. It was explained that Mr. Bromaghim wanted to raze all the existing structures on the property, and erect a new building to house his company (“Mike’s Sign’s”). The primary business on the site will be a commercial sign company, with office, retail, and storage/work space. Attorney Nicosia believed that the new business would fit well with the town master plan, it will be betterment for the town. It was noted that wetlands on the property was of a concern. Michael Bromaghim stated that his business consists of truck lettering, sign creation and installation. His impact to the area will be low traffic since 75% of his business is done on the road at customer’s sites, and that he’s been a business owner in good standing for the past ten years. Ken Lania presented the proposed property layout of the new structure (to the far right of the lot), set-backs, parking, snow storage, title V septic, plantings, drainage, and proximity to wetlands. Ten parking spaces, a turn-around area, and dumpster placement were shown. All associated build plans and certified plot plan were in order and accompanied the zoning application.

Presentation by Abutters:

Opposed: None

Proponent: None

Close of public portion of meeting

Motion to close the public portion of the meeting: motion: Joseph Polin , 2nd: Cheryl Bradley, Voice Vote: Unanimous

Open Discussion and Q&A to Applicant with Applicant responses

-Chris Mechalides viewed the property on September 13th, and asked about the plan of the new building far to the right of the lot, and how close it would be to the “Chisholm” property. It was placed far to the right to accommodate the building and parking, also it was noted that the property to the right had extensive wetlands approaching Middlesex Rd . Another question was made of buffering and screening on the plans.

- Claire Cloutier also had questions about buffering and screening. It was discussed that a minimum of buffering/screening would likely be needed.

Review Notes/Comments on Application from other Tyngsboro Departments

Highway: None

Planning: None

Building Comm: None

Board of Health: None

Conservation: Public Hearing was concluded with approval of plan.

Sewer: No sewer on-site. Title V plan has been presented and plan approved and on file.

Board Motion was made by: Joseph Polin and seconded by Cheryl Bradley

Motion written as follows: MICHAEL BROMAGHIM – 298 MIDDLESEX RD.,

Assessors Map 19, Lot 1; Tyngsboro Zoning Board of Appeals approves request for variance from the requirements of Tyngsboro Zoning By-Law section 2.12.50 of the Zoning By-Law for total square footage (39,960 square feet), and 36 ft. front yard and 20 ft. side yard from the requirements of 2.12.50 according to proposed building plans submitted with and at time of application, to construct a new commercial structure in a B-3 Zone.

The motion was carried by unanimous voice vote.

The motion was carried/not carried by voice vote as follows:

Member Listing: Vote (yay/nay)

Additional Meeting Agenda Items (as published):

1) Discussion, Village at Maple Ridge. Request from neighborhood association through developer Walter Erickson to eliminate sidewalks in the area of Dickens Ln. from the comprehensive permit. An open discussion between the Zoning Board, petitioner Walter Erickson, and various residents from The Village of Maple Ridge took place. Most people were in favor of this change to the comprehensive permit. A signed petition was presented, and all people present at the meeting had a chance to speak publicly about the proposal. A couple of people were not in favor of this proposal. It was determined at this time that more information would need to be gathered as to the Town and State regulations regarding sidewalks in new developments. This open discussion was then tabled until the October meeting at which time it will continue.

2) Items presented to ZBA in packet:

- a) Review remote participation regulations for town board meetings
- b) Review status of old meeting minutes
- c) Approve August 14, 2012 ZBA meeting minutes
- d) Review request for comment from planning Board to amend zoning by-laws
- e) Review request for comment on amendment of special permit regarding 50 Westford Rd, Tyngsboro Commons

Next Meeting Scheduled for: October 11, 2012

Motion to Adjourn, made by Claire Cloutier at 8:22 pm, seconded by Cheryl Bradley.

The motion carried unanimously by voice vote.